

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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07-CV-480

NATHAN BROWN,

PLAINTIFF

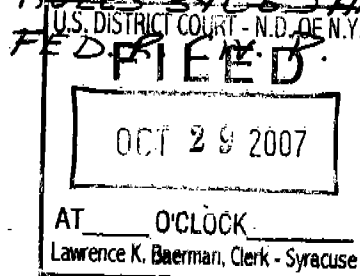
VS.

DALE ARTUS, et al

DEFENDANTS

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NOTICE OF MOTION TO  
COMPEL DISCOVERY  
RULES 34(c) AND 37(c)



PLEASE TAKE NOTICE, THAT UPON THE ANNEXED MOTION FOR AN ORDER COMPELLING DEFENDANT ARTUS TO ANSWER THE INTERROGATORIES REQUESTED ON SEPTEMBER 17, 2007. AND UPON ALL OTHER PROCEEDINGS HAD HEREIN, PLAINTIFF BROWN WILL MOVE THIS COURT, HON. DAVID E. PEEBLES, U.S. MAGISTRATE JUDGE, UNITED STATES DISTRICT COURT, 100 SOUTH CLINTON STREET, SYRACUSE NEW YORK 13261 AT A DATE AND TIME TO BE SET BY THE COURT, FOR AN ORDER COMPELLING DEFENDANT ARTUS TO ANSWER INTERROGATORIES, AND FOR SUCH OTHER AND FURTHER RELIEF AS THIS HONORABLE COURT MAY DEEM JUST.

RESPECTFULLY YOURS,  
*Nathan Brown*

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NATHAN BROWN  
90A3219

CLINTON PRISON  
P.O. BOX 2001  
DANNEMORA, N.Y. 12929

DATED:

OCTOBER 24, 2007

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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NATHAN BROWN,

PLAINTIFF

VS.

DALE ARTUS, et al

DEFENDANTS

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07-cv-480

MOTION TO COMPEL  
DISCOVERY

PLAINTIFF HEREBY MOVES PURSUANT TO RULE 34(C)(2) AND 37(C)(2)  
FEDERAL RULES OF CIVIL PROCEDURE, FOR AN ORDER COMPELLING  
ANSWERS TO INTERROGATORIES REQUESTED ON SEPTEMBER 17, 2007.

RESPECTFULLY YOURS,



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NATHAN BROWN

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DATED:

OCTOBER 24, 2007

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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07-cv-480

NATHAN BROWN,

PLAINTIFF

VS.

DALE ARTUS, et al

DEFENDANTS

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AFFIRMATION IN SUPPORT  
MOTION TO COMPEL

NATHAN BROWN, BEING DULY SWORN, DEPOSES AND SAYS:

(1) I AM THE PLAINTIFF IN THIS CIVIL RIGHTS LAWSUIT. I MAKE THIS AFFIRMATION IN SUPPORT OF MY MOTION TO COMPEL DISCOVERY.

(2) ON SEPTEMBER 17, 2007, I SERVED BY REGULAR MAIL A REQUEST FOR INTERROGATORIES ON CHRISTINA L. ROBERTS-RYBA, ASSISTANT ATTORNEY GENERAL, WHICH IS APPENDED TO THE MOTION AS EXHIBIT-A.

(3) AFTER A MONTH, I WROTE A LETTER TO CHRISTINA L. ROBERTS-RYBA APPENDED TO THE MOTION AS EXHIBIT-B.

(4) THAT THE REQUESTED INTERROGATORIES SEEKS THE IDENTITY OF PERSONS HAVING KNOWLEDGE OF THE INCIDENT ARISED IN PLAINTIFF'S CIVIL RIGHTS LAWSUIT.

WHEREFORE, PLAINTIFF REQUESTS THAT THIS COURT GRANT THE MOTION IN ALL RESPECTS.

DATED:  
OCTOBER 24, 2007

Nathan Brown

NATHAN BROWN 90A3219  
CLINTON PRISON  
P.O. BOX 2001  
DANNEMORA, N.Y. 12929

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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07-cv-480

NATHAN BROWN,  
PLAINTIFF

VS.

BRIEF IN SUPPORT OF  
MOTION TO COMPEL  
DISCOVERY

DALE ARTUS, et al  
DEFENDANTS

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STATEMENT OF THE CASE

THIS IS A CIVIL RIGHTS LAWSUIT FILED BY NATHAN BROWN, A PRISONER AT CLINTON PRISON, SEEKING DAMAGES FOR DEFENDANTS HAVEN RETALIATED AGAINST PLAINTIFF FOR SEEKING REDRESS OF SEXUAL MISCONDUCT GRIEVANCES IN VIOLATION OF FIRST AND EIGHTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

STATEMENT OF FACTS

ON SEPTEMBER 17, 2007, I SERVED A SECOND SET OF INTERROGATORIES ON CHRISTINA L. ROBERTS-RYBA, ASSISTANT ATTORNEY GENERAL. AFTER A MONTH I WROTE TO DEFENDANTS ATTORNEY REQUESTING RESPONSES TO THOSE INTERROGATORIES. DEFENDANTS ATTORNEY FAILED TO RESPOND.

ARGUMENT

SINCE DEFENDANT ARTUS HAS REFUSED TO ANSWER INTERROGATORIES, MR. BROWN IS ENTITLED TO AN ORDER COMPELLING ANSWERS TO THOSE INTERROGATORIES BECAUSE THEY SEEK THE IDENTITY OF PERSONS THAT HAVE KNOWLEDGE OF THE INCIDENT ARISED IN MR. BROWN'S CIVIL RIGHTS LAWSUIT.

INTERROGATORIES ARE AUTHORIZED BY FEDERAL RULES OF CIVIL PROCEDURE, RULE 33. THIS AUTHORIZATION STATES IN PERTINENT PART THAT "WITHOUT LEAVE OF THE COURT OR WRITTEN STIPULATION, ANY PARTY MAY SERVED UPON ANY OTHER PARTY WRITTEN INTERROGATORIES, NOT EXCEEDING 25 IN NUMBER, INCLUDING ALL DISCRETE SUB-PARTS, TO BE ANSWERED BY THE PARTY SERVED.

FOR THE REASONS STATED ABOVE, MR. BROWN RESPECTFULLY REQUESTS THAT THE COURT OVERRULE DEFENDANTS OBJECTIONS AND DIRECT DEFENDANT TO ANSWER THE INTERROGATORIES.

RESPECTFULLY YOURS,

Nathan Brown

NATHAN BROWN

90A3219

CLINTON PRISON

P.O. BOX 2001

DANNEMORA, NEW YORK 12929

DATED:

OCTOBER 24, 2007

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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07-CV-0480

NATHAN BROWN,

PLAINTIFF

VS

DALE ARTUS, et al

DEFENDANTS

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PLAINTIFF'S REQUEST  
FOR INTERROGATORIES  
UPON DALE ARTUS

SECOND  
SET

PLEASE TAKE NOTICE THAT PURSUANT TO RULE 33 AND 34 OF THE  
FEDERAL RULES OF CIVIL PROCEDURE, PLAINTIFF HEREBY REQUEST  
THAT DEFENDANT DALE ARTUS ANSWER THE FOLLOWING INTERROGATORIES  
WITHIN THIRTY (30) DAYS AFTER SERVICE OF THIS REQUEST.

(1) STATE WHETHER YOUR RECORDS INDICATE THE IDENTITY OF  
THE TWO (2) FACILITY MAINTENANCE EMPLOYEES THAT WERE  
PRESENT IN UPER-F BLOCK ON MARCH 26, 2007 AT 9:45 A.M.  
THE DAY OF THE INCIDENT ALLEGED IN PLAINTIFF'S CIVIL RIGHTS  
COMPLAINT.

(2) IF THE ANSWER TO INTERROGATORIES #1 IS IN THE AFFIRMATIVE  
STATE :

(A) THE FULL NAMES OF THE TWO (2) MAINTENANCE  
EMPLOYEES.

DATED: SEPTEMBER 17, 2007


  
NATHAN BROWN 90A3219  
CLINTON PRISON  
P.O. BOX 2001  
DANDEMARA, NEW YORK 12929

EXHIBIT-B

CHRISTINA L ROBERTS-RYBA  
ASSISTANT ATTORNEY GENERAL  
OFFICE OF THE ATTORNEY GENERAL  
THE CAPITAL  
ALBANY, NEW YORK 12224

RE: NATHAN BROWN V. DALE ARTUS, et al

07-CV-0480

OCTOBER 16, 2007

MS. ROBERTS-RYBA:

I AM WRITING THIS LETTER REGARDING INTERROGATORIES DATED SEPTEMBER 17, 2007. MR. BROWN BELIEVES THAT THOSE INTERROGATORIES ARE HIGHLY RELEVANT TO HIS CIVIL RIGHTS LAW SUIT BROUGHT AGAINST DEFENDANTS BECAUSE THE INTERROGATORIES SEEK THE IDENTITY OF WITNESSES TO A MAJOR INCIDENT DESCRIBE IN MR. BROWN'S LAWSUIT. THEREFORE, ITS MR. BROWN'S EXPECTATIONS THAT YOU WILL FORWARD ANSWERS TO THOSE INTERROGATORIES IN A TIMELY FASHION, AS PROVIDED FOR IN RULE 33 OF THE FED. R. CIV. P. THANK YOU FOR YOUR TIME AND ATTENTION TO THIS MATTER

✓ NATHAN BROWN

RESPECTFULLY YOURS,

Nathan Brown

NATHAN BROWN  
90A 3219  
CLINTON PRISON  
P O BOX 2001  
DANMORA, N.Y. 12929

## CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT ON OCTOBER 25, 2007, I CAUSED TO BE SERVED THE FOREGOING PLAINTIFF'S NOTICE OF MOTION TO COMPEL DISCOVERY, MOTION TO COMPEL DISCOVERY, AFFIRMATION IN SUPPORT ALONG WITH SUPPORTING BRIEF UPON CHRISTINA L. ROBERTS-RYBA, ASSISTANT ATTORNEY GENERAL, BY CAUSING THE SAME TO BE PLACED IN PROPERLY ADDRESSED, POSTAGE PREPAID PACKAGING AND DEPOSITED IN THE UNITED STATES MAIL.

Nathan Brown

NATHAN BROWN

90A3219

CLINTON PRISON

P.O. Box 2001

DANNEMORA, NEW YORK 12929